

Exhibit “J”

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Summary: Amendments to festival code.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5.16.060, ENTITLED FESTIVAL ORDINANCE BY SETTING A FEE BASED UPON THE BUDGETARY PROJECTIONS OF AFFECTED COUNTY DEPARTMENTS; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board adopts previously made findings in relation to the provisions of this ordinance;

WHEREAS, the Board, having experienced the licensure of a major event in 2012, hereby desires to modify previous provisions in the ordinance to ensure that sufficient monies are collected to cover the additional costs incurred by the County as a result of an Outdoor Assembly of more than 1000 people in the county;

NOW, THEREFORE, IT IS ORDAINED BY THE PERSHING COUNTY BOARD OF COUNTY COMMISSIONERS that the following changes and additions be made to Chapter 5.16.060 of the Pershing County Code.

5.16.060: LICENSE APPLICATION; CONSIDERATION BY COUNTY COMMISSIONERS; ASSEMBLY FEE:

At the hearing on the application, the Board of County Commissioners may receive public comment, testimony, and other evidence relating to the proposed Assembly. Based upon the testimony of the witnesses and evidence presented at the hearing, including the report of the Sheriff, County Engineer, and other county personnel, the Board of Commissioners shall either deny the application in accordance with the provisions as set forth herein, or grant the application and set conditions in accordance with the provisions herein. Notice of the decision shall be issued within ten days of the hearing or during the hearing. Any grant or denial may not be based upon any impermissible justification, such as the content of the speech at the event, race, or other impermissible consideration.

The Board shall set conditions necessary for the safety of the event as set forth in PCC 5.16.080. The applicant shall furnish or cause to be furnished to the clerk proof that all conditions have been met before the license may be issued by the clerk and shall pay a license fee as set forth herein.

In addition to the conditions set forth herein, the Commissioners shall set a license fee. **The license fee will be set and based upon budgets submitted by the various county offices which will incur additional workload and costs from the event. The Commissioners shall examine the proposed budgets and make any changes that are reasonable and necessary to ensure that the budgets cover the necessary expenses incurred as a result of the event.** The license fee shall be used to provide law enforcement services to the event and shall be used to cover reasonable and necessary expenses including, but not limited to, prosecution costs, hiring additional law enforcement personnel, purchasing equipment and other infrastructure for an Assembly, court costs, public defender costs, administrative costs, costs for

review by County personnel, and other reasonable and necessary costs incurred as a result of the event. The County shall establish reasonable methods for reimbursing the general fund or other funds for expenses and costs incurred as a result of the Assembly from the license fee.

The board of commissioners may not waive the license fee in this section (Ord. 217, 2004; Ord. 208, 2004; Ord. 288, February 2012; Amended Ord. _____)

REPEAL

All ordinances or resolutions or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance and the provisions of this ordinance are declared severable.

THIS ORDINANCE shall take effect on October 1, 2012, the Pershing County Commissioners are hereby authorized and directed to have this published by title together with the names of the Commissioners voting for or against its passage once a week for a period of two (2) weeks in the Lovelock Review Miner, a newspaper published in a general circulation in the County of Pershing, State of Nevada.

PROPOSED on the 18th day of July, 2012.

PROPOSED by Commissioner _____.

PASSED on the ____ day of _____, 2012.

VOTE: Ayes:

Nays:

Absent:

Pat Irwin, Chairperson
BOARD OF PERSHING COUNTY
COMMISSIONERS

ATTEST:

Clerk